

**SENATE JOURNAL  
66TH LEGISLATURE  
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 15, 2019

Senate Chambers  
State Capitol

Senate convened at 1:01 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-eight members present; Senators Esp and Phillips, excused. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 3/15/2019

Correctly printed: **SB 183, SB 302, SB 331, SB 332, SB 333, SJ 18, SJ 19, SJ 20, HB 85, HB 99, HB 137, HB 155, HB 164, HB 212, HB 290, HB 299, HB 320, HB 322, HB 323, HB 368, HB 382, HB 383.**

Correctly engrossed: **HB 132, HB 192.**

Correctly enrolled: **SB 2, SB 58, SR 33, SR 37, SJ 12.**

Examined by the sponsor and found to be correct: **SR 33, SR 37.**

Signed by the Secretary of the Senate at 3:50 p.m., March 14, 2019: **SR 16, SR 29, SR 31, SR 34, SR 35.**

Signed by the President at 11:00 a.m., March 15, 2019: **SR 16, SR 29, SR 31, SR 34, SR 35.**

Delivered to the Secretary of State at 4:18 p.m., March 15, 2019: **SR 16, SR 29, SR 31, SR 34, SR 35.**

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hoven, Chair):

3/14/2019

**HB 132**, introduced bill, be amended as follows:

1. Page 2, line 9.

**Strike:** "NEVER"

**Insert:** "not"

2. Page 3, line 27.

**Strike:** "NEVER"

**Insert:** "not"

3. Page 7, line 10.

**Strike:** "NEVER"

**Insert:** "not"

And, as amended, be concurred in.

**JUDICIARY** (Regier, Chair):

3/15/2019

**HB 192**, be amended as follows:

1. Page 1, line 26.  
**Following:** "anus,"  
**Insert:** "buttocks,"

2. Page 2, line 22.  
**Strike:** "or"  
**Insert:** ", "  
**Following:** "(1)(b),"   
**Insert:** "or (1)(d),"

3. Page 2, line 24.  
**Following:** "(1)(a)"  
**Strike:** "or"  
**Insert:** ", "  
**Following:** "(1)(b)"  
**Insert:** ", or (1)(d)"

And, as amended, be concurred in.

**HB 238**, be concurred in.

Without objection, committee reports were adopted.

## **MESSAGES FROM THE OTHER HOUSE**

**Senate joint resolution** concurred in and returned to the Senate: 3/14/2019

**SJ 12**, introduced by M. Cuffe

**Senate amendments to House bill** concurred in: 3/14/2019

**HB 55**, introduced by F. Mandeville

**House bills** passed and transmitted to the Senate for concurrence: 3/14/2019

**HB 218**, introduced by S. Vinton

**HB 351**, introduced by W. McKamey

**HB 387**, introduced by L. Jones

## **FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committees:

**SB 334**, introduced by B. Hoven, T. Jacobson, referred to Taxation.

The following Senate bill, previously introduced, was referred to committee:

**SB 333**, introduced by J. Cohenour, E. McClafferty, J. Pomnichowski, referred to Fish and Game.

The following Senate joint resolution, previously introduced, was referred to committee:

**SJ 20**, introduced by J. Welborn, referred to Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

**HB 218**, introduced by S. Vinton, F. Anderson, D. Ankney, J. Bachmeier, J. Bahr, K. Dudik, D. Fern, M. Funk, J. Gross, B. Grubbs, K. Kelker, E. Kerr-Carpenter, D. Loge, M. MacDonald, D. Mortensen, V. Ricci, T. Richmond, P. Webb, T. Welch, referred to Education and Cultural Resources.

**HB 351**, introduced by W. McKamey, F. Anderson, B. Beard, D. Bedey, M. Blasdel, K. Bogner, S. Fitzpatrick, M. Funk, B. Grubbs, G. Hertz, L. Jones, J. Kassmier, D. Loge, S. Morigeau, T. Runningwolf, D. Salomon, S. Vinton, P. Webb, referred to Education and Cultural Resources.

**HB 387**, introduced by L. Jones, N. Ballance, D. Bedey, S. Berglee, M. Blasdel, K. Bogner, K. Dudik, W. Galt, F. Garner, B. Hamlett, G. Hertz, E. McClafferty, W. McKamey, F. Moore, D. Salomon, R. Shaw, F. Thomas, B. Tschida, S. Webber, T. Welch, T. Woods, referred to Education and Cultural Resources.

## **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gross in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 370** - Senator Fitzpatrick moved **HB 370** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**SB 247** - Senator Cohenour moved **SB 247** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 373** - Senator Fitzpatrick moved **HB 373** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 29** - Senator Flowers moved **HB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Sands, Sesso, Small, Smith C, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 45

Nays: Howard, Salomon, Tempel.  
Total 3

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 90 - Governor's Amendments** - Senator Small moved Governor's amendments to **HB 90** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 205** - Senator Flowers moved **HB 205** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 239** - Senator Fielder moved **HB 239** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Webber, Welborn, Mr President.  
Total 46

Nays: Smith F, Vuckovich.  
Total 2

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 348** - Senator Ellsworth moved **HB 348** be concurred in. Motion carried as follows:

Yeas: Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 45

Nays: Ankney, McClafferty, Smith F.  
Total 3

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**SB 183** - Senator Blasdel moved **SB 183** do pass.

**SB 183** - Senator Blasdel moved **SB 183**, second reading copy, be amended as follows:

1. Page 1, line 26.

**Following:** line 25

**Insert:** "(3) Nothing in this section may be construed to allow the board of horseracing to offer historical horseracing. This section authorizes the board of horseracing to develop proposed rules and legislation relating to the implementation of historical horseracing to present to the economic affairs interim committee and to the 2021 legislature for possible approval of historical horseracing."

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.

Total 0

Paired: None.

Excused: Esp, Phillips.

Total 2

Absent or not voting: None.

Total 0

**SB 183** - Senator Gauthier moved **SB 183**, second reading copy, be amended as follows:

1. Title, page 1, line 5 through line 7.

**Strike:** "GRANTING" on line 5 through "HORSERACING;" on line 7

**Insert:** "ALLOWING THE BOARD OF HORSERACING TO PRESENT A COMPLETE PROPOSAL OF HISTORICAL HORSERACING TO THE 2021 LEGISLATURE;"

2. Title, page 1, line 8.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

3. Page 1, line 8 through line 9.

**Following:** "23-4-101," on line 8

**Strike:** "23-4-104" on line 8 through "23-4-302," on line 9

4. Page 1, line 16 through line 20.

**Following:** "hearings and rulemaking to" on line 16

**Strike:** "implement parimutuel" on line 16 through "LEGISLATION" on line 20

**Insert:** "present a complete proposal of historical horseracing to the 2021 legislature"

5. Page 1, line 24.

**Strike:** "adopt"  
**Insert:** "prepare"

6. Page 1, line 25.  
**Following:** "horseracing"  
**Insert:** "to present to the 2021 legislature"

7. Page 2, line 30.  
**Following:** "and"  
**Strike:** " "  
**Insert:** "and"

8. Page 3, line 1 through line 2.  
**Following:** "fantasy sports leagues"  
**Strike:** ", to conduct" on line 1 through "horseraces" on line 2

9. Page 3, line 8.  
**Following:** "mules"  
**Strike:** " "  
**Insert:** "and"

10. Page 3, line 9.  
**Following:** "greyhounds"  
**Strike:** ", and historical horseracing"

11. Page 3, line 13.  
**Following:** "outcome"  
**Strike:** "of simulcast or historical horseraces"

12. Page 3, line 27 through page 10, line 25.  
**Strike:** section 3 through section 9 in their entirety  
**Renumber:** subsequent sections

Amendment **adopted** as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Mr President.  
Total 41

Nays: Fielder, Howard, Osmundson, Regier, Smith C, Vance, Welborn.  
Total 7

Paired: None.

Excused: Esp, Phillips.

Total 2

Absent or not voting: None.

Total 0

**SB 183** - As amended, **SB 183** passed as follows:

Yeas: Ankney, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Jacobson, Kary, Malek, McConnell, McNally, Richmond, Salomon, Sesso, Small, Thomas, Vance, Webb, Webber, Welborn, Mr President.

Total 26

Nays: Barrett, Boland, Cohenour, Ellis, Esp, Fielder, Gross, Hinebauch, Hoven, Howard, Keenan, Lang, MacDonald, McClafferty, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Smith F, Tempel, Vuckovich.

Total 23

Paired: Ankney, Aye; Esp, No.

Excused: Phillips.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Gross moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 46

Nays: Kary, Olszewski.

Total 2

Paired: None.

Excused: Esp, Phillips.

Total 2

Absent or not voting: None.

Total 0

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 200** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn, Mr President.  
Total 39

Nays: Bennett, Boland, Cohenour, Gross, MacDonald, Pomnichowski, Smith F, Vuckovich, Webber.  
Total 9

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**SB 302** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 48

Nays: None.  
Total 0

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 85** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cuffe, Ellis, Ellsworth, Fielder,

Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn, Mr President.

Total 44

Nays: Cohenour, Pomnichowski, Vuckovich, Webber.

Total 4

Paired: None.

Excused: Esp, Phillips.

Total 2

Absent or not voting: None.

Total 0

**HB 299** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Osmundson, Pomnichowski, Richmond, Sands, Sesso, Small, Tempel, Vuckovich, Webb, Webber.

Total 32

Nays: Blasdel, Ellsworth, Fielder, Hinebauch, Kary, Keenan, Lang, Olszewski, Regier, Salomon, Smith C, Smith F, Thomas, Vance, Welborn, Mr President.

Total 16

Paired: None.

Excused: Esp, Phillips.

Total 2

Absent or not voting: None.

Total 0

**HB 320** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.

Total 48

Nays: None.

Total 0

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

**HB 368** concurred in as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gross, Jacobson, Lang, MacDonald, McClafferty, McConnell, McNally, Richmond, Salomon, Sesso, Small, Smith F, Thomas, Vance, Vuckovich, Webb, Webber, Welborn, Mr President.  
Total 28

Nays: Boland, Brown, Cohenour, Cuffe, Ellis, Fielder, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Malek, Olszewski, Osmundson, Pomnichowski, Regier, Sands, Smith C, Tempel.  
Total 20

Paired: None.

Excused: Esp, Phillips.  
Total 2

Absent or not voting: None.  
Total 0

### **SPECIAL ORDERS OF THE DAY**

Senator Fitzpatrick thanked the Pages for their service this week.

### **ANNOUNCEMENTS**

Senator Barrett arose on a point of personal privilege and relayed a communication from the mayor of Missoula regarding the previous day's shooting in New Zealand.

Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Monday, March 18, 2019, the fifty-fifth legislative day. Motion carried.

Senate adjourned at 2:15 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate